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17 Counsel for COMMITTEE OF TORT LITIGANTS

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19 **UNITED STATES BANKRUPTCY COURT**
20 **EASTERN DISTRICT OF WASHINGTON**
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25 In re:

26 **THE CATHOLIC BISHOP OF**
27 **SPOKANE a/k/a THE CATHOLIC**
28 **DIOCESE OF SPOKANE**

Debtor.

COMMITTEE OF TORT LITIGANTS,

Plaintiff,

v.

THE CATHOLIC BISHOP OF
SPOKANE, et al.,

Defendants.

Case No.: 04-08822-PCW11

Chapter 11

Adv. Case No. 05-80038

COMMITTEE OF TORT
LITIGANTS' MOTION FOR
PARTIAL SUMMARY
JUDGMENT

COMES NOW the official Committee of Tort Litigants (hereinafter
“Committee”) and hereby moves for partial summary judgment (the “Motion”) against
The Catholic Bishop of Spokane a/k/a The Catholic Diocese of Spokane and against
the following named defendants (the “Parishes”) to the above-captioned adversary
complaint:

1. Assumption Church; Spokane, WA
2. Mary Queen of Heaven Parish; Spokane, WA
3. Our Lady of Fatima; Spokane, WA
4. Our Lady of Fatima Church; Spokane, WA
5. Our Lady of Fatima Parish; Spokane, WA
6. Our Lady of Lourdes Cathedral; Spokane, WA
7. St. Aloysius Church; Spokane, WA
8. St. Aloysius School; Spokane, WA
9. St. Ann Church; Medical Lake, WA
10. St. Anne Church; Spokane, WA
11. St. Anthony Church; Spokane, WA
12. St. Augustine Church; Spokane, WA
13. St. Charles; Spokane, WA
14. St. Charles Church; Spokane, WA
15. St. Francis Assisi Church; Spokane, WA
16. St. Francis Xavier; Spokane, WA
17. St. Francis Xavier Church; Spokane, WA
18. St. John Vianney; Spokane Valley, WA
19. St. John Vianney Church; Spokane Valley, WA
20. St. Joseph – Colbert; Colbert, WA
21. St. Joseph Church; Colbert, WA
22. St. Joseph Church; Otis Orchards, WA
23. St. Joseph Church; Spokane, WA
24. St. Mary Church; Spokane Valley, WA
25. St. Mary’s Parish; Spokane Valley, WA
26. St. Mary Presentation; Deer Park, WA
27. St. Mary Presentation Church; Deer Park, WA
28. St. Peter Church; Spokane, WA
29. St. Rose of Lima – Cheney; Cheney, WA
30. St. Rose of Lima Church; Cheney, WA
31. St. Thomas More Church; Spokane, WA
32. Sacred Heart Church; Spokane, WA

1 In support of the Motion, the Committee respectfully represents as follows:

2 1. This Motion is based on Rule 7056 of the Federal Rules of Bankruptcy
3 Procedure and on LBR 7056-1 that summary judgment should be granted in the
4 Committee's favor on the First Cause of Action in the Committee's Complaint for
5 Declaratory Relief and Substantive Consolidation (the "Complaint") and on all of the
6 Catholic Diocese of Spokane's ("Diocese") affirmative defenses thereto. This Motion
7 is based on the grounds that no genuine issues of material fact exist as to the First
8 Cause of Action in the Complaint, and that the Diocese cannot satisfy its burden of
9 proof on any of its affirmative defenses to the Complaint.

10 2. This Motion is based on the facts and legal analysis set forth in the
11 Memorandum of Points and Authorities, the Separate Statement of Material
12 Undisputed Fact, the Affidavit of James I. Stang, Esq., and the Request for Judicial
13 Notice, all filed concurrently herewith; the record in the instant case; any other
14 evidence properly before the Court prior to or at the hearing on the Motion; and all
15 matters of which this Court may properly take judicial notice.


16 **WHEREFORE**, the Committee respectfully requests that the Court enter an
17 order granting the Motion; granting declaratory relief in favor of the Committee on the
18 First Cause of Action to the Complaint as to the Diocese and the 32 Parishes listed
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1 above; dismissing the affirmative defenses raised by the Diocese; and granting such
2 other and further relief as this Court deems just and proper.

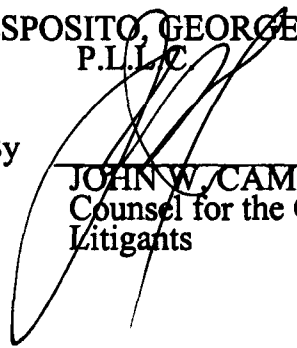
3 Dated: April 7, 2005

PACHULSKI, STANG, ZIEHL, YOUNG,
JONES & WEINTRAUB P.C.

5 By 
6 JAMES I. STANG
7 HAMID R. RAFATJOO
8 GILLIAN N. BROWN
Counsel for the Committee of Tort
Litigants

9 -and-

10 ESPOSITO, GEORGE & CAMPBELL,
11 P.L.L.C.

12 By 
13 JOHN W. CAMPBELL
14 Counsel for the Committee of Tort
15 Litigants